

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ANGELO FEARS, :

Petitioner, : **CASE NO. 01 CV 183**

vs. : **JUDGE RICE**

MARGARET A. BAGLEY, WARDEN : **MAGISTRATE JUDGE MERZ**

Respondent. :

**RESPONDENT BAGLEY'S RESPONSE
TO PETITIONER FEARS' NOTICE OF
SUPPLEMENTATION OF THE RECORD**

If the papers submitted in response to the "Call for Papers" (due date November 2002) were complimentary to Dr. Gastil's methodology or conclusions, it is likely Fears would seek to submit the actual papers. At least four papers were submitted. See Attachments A and B.

If the Court is inclined to give evidentiary weight and significance to a "Call for Papers", then the Warden requests an opportunity to review the actual papers to see what they have to say about the conclusions and methodology of Dr. Gastil's paper.

Respectfully submitted,

JIM PETRO
Attorney General

S/ Stephen E. Maher
STEPHEN E. MAHER (0032279)
Assistant Attorney General
Trial Counsel of Record
Capital Crimes Section
30 East Broad Street, 23rd Floor
Columbus, Ohio 43215-3428

(614) 728-7055; (614) 728-8600 (fax)

COUNSEL FOR RESPONDENT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Respondent's Post Evidentiary Hearing Memorandum has been forwarded to Lawrence Greger, 1100 Liberty Tower, 120 W. Second Street, Dayton, Ohio 45402 **and** Stephen A. Ferrell, Ohio Public Defender, 8 East Long Street, 11th Floor, Columbus, Ohio 43215, by electronic filing this 13th day of August, 2004.

S/Stephen E. Maher

STEPHEN E. MAHER

Assistant Attorney General